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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.5566 OF 2005

PETITIONER Chedilal Nishad
S/o Shri Mohan Nishad,
Aged about 37 years,
R/o Banjhonpali Jute Mill
Raigarh, Tehsil & Dist: Durg-(C.G.).

versus

RESPONDENTS

1. Mayor
Municipal Corporation Raigarh
Dist: Raigarh (C.G.)
2. The Chief Municipal Officer,
Municipal Corporation, Raigarh,
Dist: Raipur-(C.G.)

Present : Mr. V.K. Pandey, learned counsel for the petitioner.
Mr. V.R. Tiwari, learned counsel for respondent No.1.
Mr. Vinay Harit, learned G.A., for the State.

ORAL ORDER
(Passed on 19th January, 2006)

This writ petition is entitled to be allowed on a short ground. The petitioner was granted fishing rights in the Fatahamuda tank in response his application made in pursuance of the notification No.943/Bazar.V/N.P.Ni/2005 dated 19/07/2005 calling for tenders. The said right granted was prematurely cancelled by the respondents 30/09/2005 on the basis of certain complaint made by the villagers and residents living around the said tank, but, without giving any opportunity to the petitioner to have his say in the matter. When this matter was heard on 28/11/2005, it was not clear to the Court whether the fishing right granted to the petitioner was cancelled without giving any notice to him. Therefore, the Court directed the learned counsel for the respondents to

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ascertain from their clients whether the respondents cancelled the fishing right granted to the petitioner without notice to him and without giving any opportunity of being heard. Today, at the time of hearing, learned counsel for the respondents on instructions submitted that the fishing granted to the petitioner has been cancelled on the basis of complaints lodged by the villagers and those persons who reside around the tank without issuing any notice to the petitioner and without giving any opportunity of being heard. The respondents being the local statutory authorities are required to practise fairness and adhere to principles of natural justice when they take adverse action against a person and, therefore, they ought to have issued notice to the petitioner and given an opportunity to have his say in the matter before taking a decision on the complaints lodged by the villagers. In that view of the matter, the impugned order cannot be sustained.

(2) In the result, the writ petition is allowed. The cancellation of the fishing right granted to the petitioner is quashed. No costs. However, this order shall not come in the way of the respondents from taking appropriate action on the complaints lodged by the villagers, if they so think, after giving fair opportunity to the petitioner to have his say in the matter. No costs.

Sd/-
Chief Justice

Brojeth.